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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/071,571, First Named Applicant: Chris H. Smith
Examiner: Marc D. Gzenski, Art Unit: 2621 Status of Application: Pending

Tentative Participants:

(1) Marc Kendrick (2) Marc D. Gzenski

(3) _____ (4) _____

Proposed Date of Interview: Wed. Oct. 20, 2010 Proposed Time: 11 PST (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej</u>	<u>22, 36</u>	<u>Novak</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached☐ Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented:

Please see attached sheet

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Marc R. Kendrick
Applicant/Applicant's Representative Signature_____
Examiner/SPE SignatureMarc R. Kendrick
Typed/Printed Name of Applicant or Representative48468
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT
081674-0249773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Art Unit:	2621
Chris HAMILTON)	Examiner:	MARC A. DAZENSKI
)	Conf. No.:	2588
Serial No: 10/071,571)		
Filed: February 8, 2002)		
For:)		
METHOD OF MEDIA SERVER CONTROL)		
)		
)		

REMARKS FOR EXAMINER INTERVIEW REQUEST

SUGGESTED AMENDMENTS TO CLAIM 22 FOR DISCUSSION

22. (Currently Amended) An editing platform, comprising:
a storage medium; and
machine-readable code, stored on the storage medium,
having instructions to
~~select, identify, and store multi-media content as files to the storage medium~~
~~within the editing platform;~~
~~generate a set of instructions and data for assembly of a edited program, said~~
~~edited program including specified segments from the files of the multi-media~~
~~content;~~
receive specified segments of video programs;
~~assemble the specified segments using the set of instructions to form the edited~~
~~program;~~
generate a edited set of data corresponding to editing steps for assembly of
the edited video program;
~~view and store the edited video program on the editing platform,~~
~~analyze endpoint frames of each segment used in the assembly of the edited~~
~~program, said analysis resulting in analysis data stored on the editing platform;~~
generate analysis data corresponding to the endpoint frames of each

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segment used to create edited program;

generate downloadable instructions, the downloadable instructions configured to request a server to search, bid for, obtain rights to and obtain media content associated with the edited program

~~distribute said files of the multi media content, the downloadable instructions, the set of instructions, the data, edited set of data and the analysis data to a home media server; and~~

~~cause the home media server to emulate assembly of the edited program by using the files of the multi media content, the set of instructions, the data, the analysis data, and a home media server editing program;~~

~~wherein the set of instructions for assembly of the edited program includes directing the home media server to search, bid for, obtain rights to schedule and manage the recording of broadcast, and on-demand media content including at least one of movies, music, games, advertisements, and media processing software modules.~~

The Examiner stated that U.S. Patent No. 7,032,177 to Novak ("the Novak reference") discloses the previously pending claim. The applicant amended claim 22 to further clarify the invention. The Novak reference does not disclose, teach or suggest the editing platform computer of claim 22, as amended. First, we note that the Novak reference is disclosing only transferring of bookmarks (which is more applicable to the analysis data recited in one of the limitations of claim 22) The Examiner states that the Novak reference discloses the prior pending limitation of "directing the home media server to search, bid for, obtain rights to schedule and manage the recording of" media content because the Novak reference discloses that that a media program may be downloaded from a server, such as a video-on-demand server. The Examiner further states that since it is well known that VoD (video-on-demand) content comprises pay-per-view content, thus the system therefore bids and obtains rights to on-demand media content. (Office Action, page 2).

The applicants have clarified the invention by identifying that the editing workstation generates downloadable instructions, the downloadable instructions configured to request a server to automatically search, bid for, obtain rights to and obtain media content associated with the edited program. The Novak reference does not disclose the highlighted limitation. The Novak reference discloses only that bookmarks are sent from editing device to the playback device and in fact, explicitly states that the playback device independently records a program from a storage medium. (Novak, col. 2, lines 59-63; col. 10, lines 30-34; col. 12, lines 27-34). There is no disclosure in the Novak reference that the editing device also generates (and later transmits) downloadable instructions that are configured to request that the server automatically obtains content that is associated with the edited program. Accordingly, claim 22, as amended, distinguishes over the Novak reference.

Further, the Novak reference does not disclose generate a edited set of data corresponding to editing steps for assembly of the edited video program. As was discussed above, the Novak reference discloses only generating bookmarks defining each designated excerpt. A bookmark may define a beginning point and/or an end point of an excerpt. The

bookmarks may include time or positional indexes and are relatively small in size compared to the video program. (*Novak, col. 3, lines 20-25*). The bookmark may include a time index, a frame index, an offset, a chapter reference, a scene reference or other indicator of position within the media program. The bookmark may also be a directive to a playback device to begin playback at a particular location within the media program. (*Novak, col. 2, lines 45-52*). However, there is no disclosure that the Novak reference generates an edited set of data corresponding to editing steps for assembly of the edited video program (or that it transmits this edited set of data to the media server as is recited in a subsequent limitation). Accordingly, claim 22 further distinguishes over the Novak reference.

36. (Currently Amended) A home media server, comprising:
a storage medium; and
machine-readable code, stored on the storage medium,
having instructions to
~~receive from a media producer files of multi-media content, a set of~~
~~instructions, data, analysis data, and~~
receive downloadable instructions, an edited set of data and the analysis data
from a media producer, the downloadable instructions configured to request a
server to search, bid for, obtain rights to and obtain media content associated
with an edited video program, the analysis data, the edited set of data
corresponding to editing steps for assembly of the edited video program, and
the analysis data corresponding to the endpoint frames of each segment used
to create edited program;
emulate assembly of ~~[[an]]~~ the edited program using the media content obtained
utilizing the downloadable instructions files of the multi-media content, the set of
instructions, the data, the analysis data, and a home media server editing program,
~~said assembled edited program viewed real time and stored in the home media~~
~~server and the edited set of data,~~
wherein emulation of the assembly of the edited program includes using
title data to search, bid for, obtain rights to, schedule, and manage recording of
broadcast, and on-demand media content.

The Novak reference does not disclose, teach, or suggest the home media server of claim 36, as amended. As an initial observation, the Novak reference does not disclose that the home media server receives downloadable instructions that request that the home media server obtains media content nor does it disclose that the home media server receives a set of edited data corresponding to editing steps for assembly of the edited video program. As noted above, the Novak reference is disclosing only that bookmarks are received by the playback device and that the playback device can independently download media content, but this is not the same as the home media server of claim 36, as amended. Further, the Novak reference does not use the set of edited data to emulate the assembly of the media program using the obtained media content and the set of edited data. As is clearly illustrated in Fig. 14 of the Novak reference, the playback device receives the bookmarks, accesses the media program that is at the playback

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device and presents the personalize edition of the media program by reference to the received bookmarks. Accordingly, applicants respectfully submit that claim 36, as amended, distinguishes over the Novak reference.

The Examiner utilizes U.S. Patent No. 5,436,653 to Ellis ("the Ellis reference") to disclose that the analysis for endpoints includes at least one FFT of each end point frame to form media producer FFT data, and a decimation of each end point frame to form media producer decimated data. (Office Action, page 12). However, the Ellis reference does not disclose, teach or suggest any of the above-identified limitations of claims 22 and 36.